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Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matters of	)	
	)	
AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications;	)	File No. EB-01-MDIC-0002
	)	
AT&T Corp. v. CFW Communications Company & CFW Networks, Inc.;	)	File No. EB-01-MDIC-0003
	)	
AT&T Corp. v. Commonwealth Telephone Enterprises & CTSI, Inc.;	)	File No. EB-01-MDIC-0004
	)	
AT&T Corp. v. CT Communications, Inc. and CTC Exchange Services;	)	File No. EB-01-MDIC-0005
	)	
AT&T Corp. v. Consolidated Communications Networks, Inc.;	)	File No. EB-01-MDIC-0006
	)	
AT&T Corp. v. CTC Telecom, Inc.;	)	File No. EB-01-MDIC-0007
	)	
AT&T Corp. v. Fairpoint Communications Corp.;	)	File No. EB-01-MDIC-0008
	)	
AT&T Corp. v. Intermedia Communications, Inc.;	)	File No. EB-01-MDIC-0010
	)	
AT&T Corp. v. Net2000 Communications, Net2000 Communications Services and Net2000 Communications of Virginia, LLC;	)	File No. EB-01-MDIC-0011
	)	
AT&T Corp. v. North County Communications Corp.;	)	File No. EB-01-MDIC-0012
	)	
AT&T Corp. v. Winstar Communications, Inc., et al.;	)	File No. EB-01-MDIC-0013
	)	
AT&T Corp. v. XIT Telecommunications & Technology, Inc.	)	File No. EB-01-MDIC-0014

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**ORDER****Adopted: February 14, 2002****Released: February 15, 2002**

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On January 12, 2001, pursuant to section 1.716 of the Commission rules,<sup>1</sup> AT&T Corp. (“AT&T”) filed informal complaints against Advantel, LLC d/b/a Plan B Communications (“Advantel”), CFW Communications Company & CFW Networks, Inc. (“CFW”), Commonwealth Telephone Enterprises & CTSI, Inc. (“CTSI”), CT Communications, Inc. and CTC Exchange Services (“CTC Exchange”), Consolidated Communications Networks, Inc. (“Consolidated”), CTC Telcom, Inc. (CTC Telcom), Fairpoint Communications Corp. (“Fairpoint”), Intermedia Communications, Inc. (“Intermedia”), Net2000 Communications, Net2000 Communications Services and Net2000 Communications of Virginia, LLC (“Net200”), North County Communications Corp. (“North County”), Winstar Communications, Inc., *et al.* (“Winstar”), and XIT Telecommunications & Technology, Inc. (“XIT”) (collectively “Informal Complaint Defendants”). Between March 14, 2001 and March 19, 2001, each of the Informal Complaint Defendants filed a report pursuant to section 1.717 of the Commission’s rules<sup>2</sup> denying the allegations in AT&T’s informal complaints. Pursuant to section 1.718 of the Commission’s rules,<sup>3</sup> AT&T was required to convert these informal complaints into formal complaints between September 14, 2001 and September 24, 2001 to ensure that the formal complaints related back to the January 12, 2001 filing date of the informal complaints. On September 14, 2001, October 4, 2001, October 18, 2001, November 2, 2001, November 15, 2001, November 30, 2001, December 18, 2001, January 9, 2002, and January 29, 2002, the Market Disputes Resolution Division (“MDRD”) granted AT&T’s consent motions for additional time to convert the informal complaints under rule 1.718, allowing AT&T until February 15, 2002, to file the formal complaints against the Informal Complaint Defendants.<sup>4</sup> MDRD granted these motions because the parties were actively engaged in promising settlement negotiations, and were participating in good faith in mediation sessions supervised by MDRD staff.

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<sup>1</sup> 47 C.F.R. § 1.716.

<sup>2</sup> 47 C.F.R. § 1.717.

<sup>3</sup> 47 C.F.R. § 1.718.

<sup>4</sup> *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2158 (EB-MDRD rel. Sept. 14, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2321 (EB-MDRD rel. Oct. 4, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2428 (EB-MDRD rel. Oct. 18, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2551 (EB-MDRD rel. Nov. 2, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2661 (EB-MDRD rel. Nov. 15, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2780 (EB-MDRD rel. Nov. 30, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2920 (EB-MDRD rel. Dec. 18, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 02-035 (EB-MDRD rel. Jan. 9, 2002); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 02-210 (EB-MDRD rel. Jan. 29, 2002).



2. Since filing its informal complaints, AT&T has reached settlement agreements with defendants Advantel, CFW, CTSI, Fairpoint, Net2000, and North County. As a consequence, all outstanding issues with these defendants have been resolved and the matters at issue have been satisfied. Accordingly, AT&T and these named defendants request that the informal complaints relating to them be closed.<sup>5</sup>

3. AT&T also has reached settlement agreements and/or agreements in principle to settle its claims against defendants CTC Exchange, CTC Telecom, Intermedia, and XIT. As a result, the parties are in the process of completing and/or filing the necessary paperwork relating to their agreements. In light of the parties' continuing efforts to settle these matters, on February 11, 2002, AT&T filed a Consent Motion Resolving Certain Informal Complaints and Requesting An Additional Extension of Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period.<sup>6</sup> AT&T requests a waiver of section 1.718 of the Commission's rules and an additional extension of time until March 1, 2002 to convert the informal complaints against CTC Exchange, CTC Telecom, Intermedia, and XIT into formal complaints, if necessary. Each of these named Informal Complaint Defendants have consented to AT&T's request.<sup>7</sup>

4. We are satisfied that granting AT&T's motion will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Consent Motion of AT&T Corp. to Extend Time in Which to Convert Informal Complaints to Formal Complaints and Toll Limitations Period IS GRANTED.

6. IT IS FURTHER ORDERED that the informal complaints against Advantel, LLC d/b/a Plan B Communications, CFW Communications Company & CFW Networks, Inc., Commonwealth Telephone Enterprises & CTSI, Inc., Fairpoint Communications Corp., Net2000 Communications, Inc., *et al.*, and North County Communications Corp. are hereby DISMISSED.

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<sup>5</sup> Consent Motion of AT&T Corp. Resolving Certain Informal Complaints and Requesting An Additional Extension of Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period, *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014 (filed Feb. 11, 2002) (*Consent Motion*), at 5.

<sup>6</sup> *Consent Motion* at 6.

<sup>7</sup> *Id.*

7. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, or under our previous orders in this proceeding, are hereby waived, and the dates on which AT&T must convert the remaining informal complaints against the remaining Informal Complaint Defendants into formal complaints pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, are extended to March 1, 2002.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr  
Chief, Market Disputes Resolution Division  
Enforcement Bureau